

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF QUEENS

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ELIZABETH PINEDA,

Plaintiff

Index No.:

- against -

COMPLAINT

THE CITY OF NEW YORK; New York City Police
Officer VINCENT ESPOSITO, and "JOHN (JANE) DOE
Nos. 1 through 10", inclusive, the last ten
names being fictitious and unknown to
Plaintiff, the persons intended being the
New York City Police Officers, Assistant
District Attorneys and New York City
ACS workers involved in wrongful acts against
the Plaintiff on or about April 2, 2013
and proceedings thereafter,

Defendants

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The Plaintiff, complaining of the Defendants, by her
attorney, BARRY M. GOLDSTEIN, respectfully shows to this Court and
alleges:

BACKGROUND AND JURISDICTION

1. That on or about April 2, 2013 and at all times herein
mentioned, the plaintiff was a resident of the County of Queens,
City and State of New York.

2. That the occurrences which gave rise to this cause of action
took place in the County of Queens, City and State of New York.

3. That at all times herein mentioned, defendant CITY OF NEW YORK (hereinafter referred to as "CITY") was a municipal corporation, duly organized and existing under and by virtue of the laws of the State of New York.

4. That at all times herein mentioned, defendant CITY operated, managed, controlled the New York City Police Department, the Queens County District Attorneys Office and the New York City Administration for Children's Services, and employed the officers of said department and the Defendants VINCENT ESPOSITO and the Defendants "JOHN (JANE) DOE NO. 1 through 10".

5. That heretofore and on or about June 17, 2013, and within ninety (90) days after the claim herein sued upon arose, the Plaintiff caused a Notice of Claim, in writing, sworn to by or on behalf of the plaintiff to be served upon the defendant City, which said Notice of Claim set forth the name and post office address of the plaintiff, the name of her attorneys, the nature of the claim, the time when, the place where and the manner in which the claim arose, and the items of damages or injuries claimed to have been sustained so far as then practicable.

6. That at least thirty (30) days have elapsed prior to the commencement of this action since the service of the said Notice of Claim as aforesaid, and adjustment and payment thereof has been neglected and/or refused by the Defendant City.

7. That a hearing of this claim was held pursuant to §50(h) of the

General Municipal Law on or about the 6th day of December 2013.

8. That this action is commenced within one year and 90 days after the happening of the event upon which the claim herein sued upon arose.

9. That on or about April 2, 2013, at approximately 2:00 PM, the Plaintiff asked a friend if he would babysit for her two youngest children, while she took her oldest child and several of her friends to a birthday party for her oldest child. At approximately 4:30 PM, while driving home returning from the party, the Plaintiff received a telephone call from one of the Defendant Police Officers who demanded that she come immediately to her friends house to pick up the kids, or he "would call ACS". Plaintiff immediately drove to her friends house with her oldest daughter and her friends.

10. Upon arriving at her friend's house the Plaintiff found her two youngest children and several of the Defendant New York City Police Officers including Defendant Police Officer VINCENT ESPOSITO therein. The Defendant ESPOSITO asked her if she knew that her friend had illegal drugs in the apartment, and she said she did not. Defendant Esposito asked her if she lived in the apartment and she said she did not.

11. Notwithstanding the aforesaid statements of the Plaintiff, and notwithstanding further evidence that Plaintiff did not reside at said apartment and did not know of the presence of any illegal drugs therein, Defendant ESPOSITO, and several other of Defendant

Police Officers John(Jane) Doe 1 through 3, forcibly, and involuntarily, and falsely arrested and detained Plaintiff and brought her and her three children, and the guest children whom she was driving, to the 104th police precinct. The Defendant Esposito and Defendants John(Jane) Doe 1 through 3, made Plaintiff arrange to have her brother pick up her children, and made the parents of her guest children come to the precinct to pick up their children whereupon they uttered defamatory statements regarding the Plaintiff to said parents.

12. Notwithstanding the aforesaid statements of the Plaintiff, and notwithstanding further evidence that Plaintiff did not reside at said apartment and did not know of the presence of any illegal drugs therein, Defendant ESPOSITO, with knowledge that the charges against Plaintiff were entirely false and unfounded, formally arrested the Plaintiff and falsely and maliciously charged her with violations of the New York Penal Law §§ 220.21, 260.10, 220.16 and 229.50, of Criminal Possession of Controlled Substance, Endangering the welfare of a child, Criminally using drug paraphernalia. The Plaintiff was thereafter taken forcibly and involuntarily to Queens Central Booking, and thereafter to Queens Criminal Court where she was formally charged with the aforesaid charges, and thereafter taken to Rikers Island Correctional Facility where she was further forcibly and involuntarily detained without cause or justification for several weeks, and was thereafter required to appear in Queens Criminal Court on several occasions in defense of the false criminal charges against her.

13. That as a direct result of the false and malicious criminal charges brought against the Plaintiff, the Plaintiff's three minor children were taken from her and the matter was brought before the Queens Family Court where charges were brought against her for child neglect.

14. That the Plaintiff produced evidence at the time of arrest that she did not reside at the apartment where the alleged illegal drugs were found. That the Plaintiff produced further evidence within a few days of her arrest showing that she did not reside at the apartment and presented said evidence to the Queens District Attorney's Office and to Assistant District Attorneys, among Defendants "JOHN (JANE) DOE 1 through 10"; that the Defendants City of New York, Defendant Esposito, and Defendant Assistant District Attorneys among "JOHN (JANE) DOE 1 through 10, with knowledge that the charges against Plaintiff were false, nevertheless failed and refused to dismiss the criminal and custody charges against the Plaintiff, and maliciously prosecuted the Plaintiff, and continued both legal proceedings against the Plaintiff.

15. That the Plaintiff and Plaintiff's criminal attorney were advised by the Defendant Assistant District Attorneys among "JOHN (JANE) DOE 4 through 7" that the criminal charges against the Plaintiff would not be dismissed until the Plaintiff's friend (who resided at the aforesaid apartment) would plead guilty, and it was only upon such plea of guilty by said friend, that the Defendants consented to the dismissal of the criminal charges, and that on or about June 12, 2013 all criminal charges against the Plaintiff were

dismissed by the Court.

16. That the Defendants continued to incarcerate and prosecute the Plaintiff for a considerable period of time after April 2, 2013, despite their knowledge that the charges against her were false and unfounded and that dismissal was required.

17. That Plaintiff was forced by reason of the aforesaid charges to lose custody of her three infant children, and to be charged in Family Court with the neglect of said children, for an extended period of time; that ultimately full custody was restored to the Plaintiff and the charges against Plaintiff in Family Court were ultimately also dismissed.

18. That during the Family Court proceeding the Plaintiff was maliciously and abusively treated by the Defendants ACS Social Workers/Case Workers among "JOHN (JANE) DOE 8 through 10, and was advised by at least one such Defendant who, upon learning that Plaintiff was pregnant, advised Plaintiff that ACS would immediately take Plaintiff's baby away from her upon the child's birth, and said Defendants told her to have an abortion, and coerced into having an abortion; that the Plaintiff, under the extreme emotional stress and disturbance of the false charges against her and the threat made by the Defendants that her newborn child would be taken from her, underwent an abortion.

19. That said Defendant acted maliciously and with knowledge of the extreme stress under which the Plaintiff had been placed, and

with the intention of causing her to undergo an abortion.

20. That at all times mentioned herein the Plaintiff was wholly innocent of any charges brought against her; committed no wrongful act; and was free from any negligence; and did not at any time consent to the actions of the Defendants as alleged herein.

AS AND FOR A FIRST CAUSE OF ACTION - FALSE ARREST

21. The Plaintiff repeats, reiterates and re-alleges each and every allegation contained in the foregoing Paragraphs of the Complaint with the same force and effect as if more fully set forth herein.

22. That the Defendants, City of New York, VINCENT ESPOSITO, and police officers "John Doe 1 through 3", their agents, servants and/or employees wrongfully and falsely arrested, imprisoned, detained and prosecuted Plaintiff, without any right or grounds thereof.

23. That the said arrest, imprisonment and prosecution was caused by the Defendants, their agents, servants and/or employees, without any warrant or other legal process and without authority of the law and without any reasonable cause or belief that the Plaintiff was in fact guilty of any crime; and in fact with knowledge that she was not guilty of any crime.

24. That on the aforesaid date, time and place, the Plaintiff,

was lawfully and properly upon the premises above stated; when the Defendants, their agents, servants and employees, wrongfully and unlawfully, against the Plaintiff's wish without probable or reasonable cause, and on the sole and false charge, then made, that Plaintiff was violating the laws of the State of New York, arrested and imprisoned the Plaintiff and with full force of arms, they forcibly and violently seized, assaulted and laid hold of her and compelled her to be detained and imprisoned in the premises above stated.

25. That the Defendants, their agents, servants and employees acting within the scope of their authority and within the scope of their employment, detained and imprisoned and prosecuted the Plaintiff even though the Defendants, their agents, servants and employees, had the opportunity to know or should have known that the matters hereinbefore alleged were false; the defendants wrongfully, unlawfully and without a sufficient charge having been made against the Plaintiff, directed that the Plaintiff be placed and held in confinement at said premises; that the Defendants continued to incarcerate and prosecute the Plaintiff despite being presented with proof that she was wholly and completely innocent of the charges against her.

26. That the Plaintiff was wholly innocent of the said criminal charges and did not contribute in any way to the conduct of the Defendants, their agents, servants and employees and was forced by the Defendants to submit to the aforesaid arrest and imprisonment thereto entirely against her will.

27. That the aforesaid accusations made by the Defendants, their agents, servants and employees acting under their employment and within the scope of their authority, were made falsely, publicly, and maliciously.

28. That the Defendants, their agents, servants and employees, as set forth aforesaid on the aforementioned date, time and place, intended to confine the Plaintiff; in that the Plaintiff was conscious of the confinement; Plaintiff did not consent to the confinement; and that the confinement was not otherwise privileged.

29. That by reason of the false arrest, imprisonment and detention and prosecution of the Plaintiff, Plaintiff was subjected to great indignities, humiliation and ridicule, in being so detained, charged and prosecuted with various crimes, and greatly injured in her employment and circumstances and was then and there prevented and hindered from performing and transacting her necessary affairs and business, and he was caused to suffer much pain in both mind and body, the loss custody of her children, of employment and the loss of employment opportunities.

30. That by reason of the aforesaid, the Plaintiff has been damaged in an amount that is in excess of the monetary jurisdiction of all other lower courts that would otherwise have jurisdiction.

AS AND FOR A SECOND CAUSE OF ACTION - MALICIOUS PROSECUTION

31. The Plaintiff repeats, reiterates and re-alleges each and every allegation contained in the foregoing Paragraphs of the Complaint with the same force and effect as if more fully set forth herein.

32. At the time of the arrest and prosecution of the Plaintiff, the Defendants did not act in good faith and did not have reasonable grounds, or probable cause to believe that the Plaintiff was guilty of any crime, and in fact was aware that the Plaintiff was innocent of any crime, and in initiating the arrest and subsequent prosecution of the Plaintiff, the Defendants acted maliciously; That the Defendants acted maliciously in that the arrest and subsequent prosecution of Plaintiff was brought for a purpose other than bringing an offender to justice, but was brought, and maintained by the Defendants out of either personal ill will or in reckless disregard of the rights of the Plaintiff without any reasonable ground for belief that the Plaintiff was guilty.

33. That the prosecution of the Plaintiff was continued despite proof that she did not reside at the premises where the occurrence took place, and was sustained for a long period of time prior to its dismissal, for the improper purpose of coercing a third party to plead guilty to a crime, in total disregard of the Plaintiff's rights and with malice; that the acts of the Defendants were wanton and reckless, the Defendants having acted in such a way as to show conscious indifference and utter disregard of the effect of their prosecution on the rights of the Plaintiff.

34. That as stated above, all of the criminal charges were dismissed against the Plaintiff.

35. That by reason of the aforesaid, the Plaintiff has been damaged in an amount that is in excess of the monetary jurisdiction of all other lower courts that would otherwise have jurisdiction.

**AS AND FOR A THIRD CAUSE OF ACTION - NEGLIGENT HIRING AND
RETENTION**

36. The Plaintiff repeats, reiterates and re-alleges each and every allegation contained in the foregoing Paragraphs of the Complaint with the same force and effect as if more fully set forth herein.

37. That the Defendant, THE CITY OF NEW YORK, was careless and reckless in hiring and retaining as and for its employees, the above named defendants, VINCENT ESPOSITO, and police officers, Assistant District Attorneys and New York City ACS social workers/case workers, "JOHN (JANE) DOE NO. 1" through "JOHN (JANE) DOE NO. 10", in that, upon information and belief, the said Defendant employees lacked the experience, deportment and ability to be employed by the Defendant; in that the Defendant, CITY OF NEW YORK, failed to exercise due care and caution in its hiring practices, and in particular, in hiring the Defendant employees who, upon information and belief, lacked the mental capacity and the ability to function as employees of the aforementioned Defendant; in that the Defendant, THE CITY OF NEW YORK, failed to

investigate the above named Defendants' background and in that they hired and retained as employees of their Departments individuals who, upon information and belief were inclined to improper behavior; in that the Defendants, upon information and belief, lacked the maturity, sensibility and intelligence to be employed by the Defendant, CITY OF NEW YORK, their agents, servants and/or employees were otherwise careless, negligent and reckless.

38. That the aforesaid occurrence, to with: the false arrest and imprisonment, and malicious prosecution, and coercion of the Plaintiff, and the resulting injuries to mind and body therefrom, were caused wholly and solely by reason of the negligence of the Defendant, its agents, servants and/or employees without any negligence on the part of the Plaintiff.

39. That by reason of the aforesaid, the Plaintiff was injured in mind and body, still suffers and upon information and belief, will continue to suffer great physical and mental pain, and she was rendered sick, sore, lame and disabled and so remains, and was incapacitated from her usual occupation and will, upon information and belief, will be so incapacitated in the future, and has expended and incurred divers sums of money in an effort to cure herself of said injuries and to extricate herself from the indignities and humiliation foisted upon her by the actions of the Defendants, their agents, servants and/or employees, including counsel fees and disbursements, and, upon information and belief, will expend further sums in that regard, and the Plaintiff has been otherwise damaged.

40. That by reason of the aforesaid, the Plaintiff has been damaged in an amount that is in excess of the monetary jurisdiction of all other lower courts that would otherwise have jurisdiction.

**AS AND FOR A FOURTH CAUSE OF ACTION - NEGLIGENT SUPERVISION /
FAILURE TO TRAIN**

41. The Plaintiff repeats, reiterates and re-alleges each and every allegation contained in the foregoing Paragraphs of the Complaint with the same force and effect as if more fully set forth herein.

42. That the Defendant, CITY OF NEW YORK, their agents, servants and/or employees negligently, carelessly and recklessly failed to properly train and supervise their employees, in particular the named Defendants, police officer VINCENT ESPOSITO, and Police Officers, Assistant District Attorneys, and New York City ACS social workers/ case workers, JOHN (JANE) DOE NO. 1" through "JOHN (JANE) DOE NO. 10", in that they failed to train their employees in the proper in the proper method of conducting an investigation; in the proper method of detaining and searching a person, and searching premises; in the need to act with reasonable suspicion and probable cause; in the continuance of a prosecution against persons known by the Defendants to be innocent of all criminal charges, and in the improper coercion of persons to have abortions, in an attempt to deprive them of their personal civil and constitutional rights; failed to give them proper instruction as to their deportment, behavior and conduct as representatives of

their employers; and, in that the Defendants, their agents, servants and/or employees were otherwise reckless, careless and negligent.

43. That the aforesaid occurrence, to wit: the false arrest and imprisonment, malicious prosecution, unlawful coercion, and the resulting injuries to mind and body therefrom, were caused wholly and solely by reason of the negligence of the Defendant, its agents, servants and/or employees without any negligence on the part of the Plaintiff.

44. That by reason of the aforesaid, the Plaintiff was injured in mind and body, still suffers and upon information and belief, will continue to suffer great physical and mental pain, and she was rendered sick, sore, lame and disabled and so remains, and she was incapacitated from her usual occupation and will, upon information and belief, be so incapacitated in the future, and she has expended and incurred divers sums of money in an effort to cure herself of said injuries to extricate herself from the indignities and humiliation foisted upon her by the actions of the Defendants, their agents, servants and/or employees, including counsel fees and disbursements, and, upon information and belief, will expend further sums in that direction, and the Plaintiff has been otherwise damaged.

45. That by reason of the aforesaid, the Plaintiff has been damaged in an amount that is in excess of the monetary jurisdiction of all other lower courts that would otherwise have jurisdiction.

AS AND FOR A FIFTH CAUSE OF ACTION - NEGLIGENCE OF THE PARTIES

46. The Plaintiff repeats, reiterates and re-alleges each and every allegation contained in the foregoing Paragraphs of the Complaint with the same force and effect as if more fully set forth herein.

47. That the Defendants, their agents, servants and/or employees negligently, carelessly and recklessly performed their police duties, prosecutor duties, and ACS worker duties, in that they failed to use such care in the performance of their duties as a reasonably prudent and careful Police Officer, Assistant District Attorney, and New York City ACS social worker / case worker, would have used under similar circumstances in that they carelessly, recklessly and negligently arrested the Plaintiff without making a proper investigation, in that they were negligent, careless and reckless in the manner in which they detained and prosecuted the Plaintiff; that they were negligent, careless and reckless in the manner in which they coerced the Plaintiff to undergo an abortion, and in that the Defendants, their agents, servants and/or employees were otherwise careless, reckless and negligent.

48. That the aforesaid occurrence, and the resulting injuries to mind and body therefrom, were caused wholly and solely by reason of the negligence of the Defendants, its (their) agents, servants and/or employees without any negligence on the part of the Plaintiff.

49. That by reason of the aforesaid, the Plaintiff was injured in mind and body, still suffers and upon information and belief, will continue to suffer great mental pain, and she was rendered sick, sore, lame and disabled and so remains, and he was incapacitated from his usual occupation and will, upon information and belief, be so incapacitated in the future, and she has expended and incurred divers sums of money in an effort to cure herself of said injuries to extricate herself from the indignities and humiliation foisted upon her by the actions of the Defendants, their agents, servants and/or employees, including counsel fees and disbursements, and, upon information and belief, will expend further sums in that direction, and the Plaintiff has been otherwise damaged.

50. That by reason of the aforesaid, the Plaintiff has been damaged in an amount that is in excess of the monetary jurisdiction of all other lower courts that would otherwise have jurisdiction.

AS AND FOR A SIXTH CAUSE OF ACTION - LIABILITY OF DEFENDANTS
UNDER 42 U.S.C. § 1983

51. The Plaintiff repeats, reiterates and re-alleges each and every allegation contained in the foregoing Paragraphs of the Complaint with the same force and effect as if more fully set forth herein.

52. That by reason of the acts of the Defendants as aforesaid, the rights of the plaintiff, under the laws, statutes, rules and regulations of the City and State of New York, the United States

Government and the Constitutions of the United States and State of New York, were violated by the defendants, their agents, servants and/or employees in the following respects: Plaintiff was falsely arrested and wrongfully imprisoned by the defendants, its servants, agents and/or employees, without just cause or provocation; Plaintiff was maliciously prosecuted by the defendants, its servants, agents and/or employees, without just cause or provocation; Plaintiff was coerced by the Defendants into undergoing an abortion; Plaintiff was deprived of her rights, privileges or immunities secured by the Constitution and laws of the United States as provided by the Civil Rights Act (42 U.S.C. secs. 1983, et seq.); Plaintiff was denied her rights to be secure in her person, house, papers and effects against unreasonable searches and seizures; was deprived of her liberty and property without the due process of law and was denied equal protection in violation of her rights under the Fifth and Fourteenth Amendments of the Constitution of the United States; Plaintiff was subjected to cruel and unusual punishment; Plaintiff was denied her free choice whether or NOT to undergo an abortion as guaranteed to her by the Constitutions of the United States and State of New York and case law of the United States and State of New York.

53. That by reason of the aforesaid violation of her rights by the defendants, their agents, servants and/or employees, the plaintiff was subject to severe and serious physical and psychological harm in being deprived of her rights secured by the Constitution and Laws of the United States and the State of New York.

54. That at all times hereinafter mentioned, the Defendants were employed in their respective capacities by the Defendant THE CITY OF NEW YORK and were acting under the color of their official capacity and their acts were performed under the color of the policies, statutes, ordinances, rules and regulations of the City of New York.

55. That at all times hereinafter mentioned, Defendants, were acting pursuant to orders and directives from Defendant, THE CITY OF NEW YORK.

56. That during all times hereinafter mentioned, the Defendants, separately, and in concert, acted under color and pretense of law, to wit: under color of the statutes, ordinances, regulations, customs and usages of The City of New York and the Defendants herein, separately and in concert, engaged in the illegal conduct herein mentioned to the injury of the Plaintiff; and deprived Plaintiff of the rights, privileges and immunities secured to Plaintiff by the Constitution and laws of the United States and the State of New York

57. That by reason of the foregoing, plaintiff is entitled to full cost of attorney's fees and costs incurred in prosecuting this action.

58. That by reason of the aforesaid, the Plaintiff has been damaged in an amount that is in excess of the monetary jurisdiction of all other lower courts that would otherwise have jurisdiction;

together with **attorney's fees** and costs incurred in prosecuting this action.

SEVENTH CAUSE OF ACTION MUNICIPAL LIABILITY UNDER 42 U.S.C. §
1983

59. The Plaintiff repeats, reiterates and re-alleges each and every allegation contained in the foregoing Paragraphs of the Complaint with the same force and effect as if more fully set forth herein.

60. Upon information and belief the Defendant City of New York knew or should have known, by reason of the record of, and other prior incidents involving, the Defendant VINCENT ESPOSITO, that the arrest of Plaintiff by said Defendant was suspect and not based upon probable cause, and that the Defendant City of New York failed to investigate the actions of the Defendant ESPOSITO, and failed to supervise, train, discipline said Defendant ESPOSITO as a police officer and continued to employ him with the duties and responsibilities entrusted to him by said employment.

61. Defendants continued criminal proceedings against plaintiff despite a lack of any credible evidence against her; and notwithstanding their knowledge that said proceedings would jeopardize plaintiff's liberty, well-being, safety, and constitutional rights, that the Defendant City of New York trained it's Assistant District Attorneys and prosecutorial staff to continue a prosecution and pending criminal charge against this

Plaintiff, and in other similar circumstances with other criminal defendants charged with crimes, despite knowledge that the Plaintiff, and said other persons, were completely innocent of said charges; solely in an attempt to coerce another (other) criminal Defendant(s), involved with or related to this Plaintiff (and such other persons), into pleading guilty to the charges against said other criminal Defendant.

62. Defendants coerced the Plaintiff into undergoing an abortion by threats to immediately take the baby away from Plaintiff upon its birth; that the Defendant ACS employees were, upon information and belief, trained by the Defendant City of New York to act in a coercive way, as stated herein, toward the Plaintiff and other persons also pregnant during pending ACS investigations/charges, in order to compel the Plaintiff, and other persons, to undergo abortions; alternatively the City of New York failed to train and supervise its ACS workers to ensure that they would not commit such acts as alleged herein, and that the actions of such ACS employees would not violate the Constitutional rights of the Plaintiff and other persons.

63. The acts complained of were carried out by the aforementioned defendants pursuant to the customs, policies, usages, practices, procedures, and rules of the CITY OF NEW YORK, the New York City Police Department, the Queens County District Attorney's Office, and New York City Child protective Services, all under the supervision of ranking officers, managers and supervisors of said agencies of the Defendant City of New York.

64. Defendant CITY OF NEW YORK exhibited a deliberate indifference to the training of their employee Police Officers, Assistant District Attorneys and ACS workers, such that the aforesaid violations occurred as a direct result; that the Defendant City of New York intentionally and/or recklessly failed to properly instruct, train and/or supervise their police officers, assistant district attorneys and ACS workers with regard to their constitutional obligations to the Plaintiff, and other persons.

65. The foregoing customs, policies, usages, practices, procedures and rules of the CITY OF NEW YORK, as implemented by the New York City Police Department, Queens County District Attorney's office, and ACS office, constituted a deliberate indifference to the safety, well-being and constitutional rights of all defendants, including but not limited to, the Plaintiff herein.

66. The foregoing customs, policies, usages, practices, procedures and rules of the CITY OF NEW YORK, as implemented, were the proximate cause of, and moving force behind, the constitutional violations suffered by plaintiff as alleged herein; and constituted a systematic pattern of conduct on behalf of the Defendant City of New York.

67. That by reason of the foregoing, plaintiff is entitled to full cost of attorney's fees and costs incurred in prosecuting this action.

68. That by reason of the aforesaid, the Plaintiff has been

damaged in an amount that is in excess of the monetary jurisdiction of all other lower courts that would otherwise have jurisdiction; together with **attorney's fees** and costs incurred in prosecuting this action.

WHEREFORE, Plaintiff demands judgment:

On each of the above causes of action against the defendant for **COMPENSATORY DAMAGES** in a sum which exceeds the jurisdictional limits of all lower courts of the State of New York that would otherwise have jurisdiction; together with;

On the First, Second, Sixth and Seventh Causes of Action against the Defendants for **EXEMPLARY/PUNITIVE DAMAGES**, in a sum which exceeds the jurisdictional limits of all lower courts of the State of New York that would otherwise have jurisdiction, together with;

On the Sixth and Seventh Causes of action for **ATTORNEYS FEES** of the Plaintiff's attorney, in a reasonable amount to be fixed by the Court, pursuant to authority under [42 U.S.C. § 1983](#), together with

The costs and disbursements of the within action, as well as interest from the 2nd day of April 2013.

Dated: Kew Gardens, NY

BARRY M. GOLDSTEIN
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